MISCELLANY.

Gaolers and the Hunger Strike.—In a recent leading article which has occasioned much public discussion the *Times* has suggested that an Act of Parliament is necessary in order to relieve prison officials from the duty of forcibly feeding prisoners who wilfully refuse to take food in the hope of thereby securing release and defeating the ends of justice. Our own view is that no such amendment of the law is necessary. A gaoler having the lawful custody of a prisoner is charged with two duties: one towards the Crown and the other towards the prisoner. His duty towards the Crown, namely, to keep the prisoner in safe custody and enforce the sentence of the law, is his primary duty, and any acts on his part reasonably necessary to attain this end are in law justifiable as part of his duty, unless they infringe some provision of the Prisons Acts or some Rule made thereunder by the Home Secretary. His duty towards the prisoner—a purely secondary duty and subordinate to his primary duty to the Crown—is to see that the prisoner is properly treated and cared for. It is part of his common law duty to provide proper food and medical attendance for a prisoner under his charge (Leigh *v.* Gladstone [1909], 26 T. L. R. 139), just as it is the common law duty of the de facto guardian of an infant or of an infirm adult (Regina *v.* Instan [1893], 1 A. C. 450) to take all reasonable precautions for the well-being of such a de facto ward. Failure to take such reasonable precautions is prima facie negligence, which in the case of the death of the ward renders the de facto guardian liable to indictment for manslaughter. But, except in the case of an insane person, this duty is clearly discharged when the gaoler has provided proper food and adequate medical attendance, though the prisoner deliberately refuses either. In the case of a lunatic, or of a very young child, where no legal volition exists, no doubt the guardian has a further duty: he must, if necessary, actually feed his ward by force. But where reasonable volition exists in the ward it is not easy to see that any such onerous duty is imposed on the guardian by law; and a fortiori not on a gaoler whose duty towards the prisoner is subordinate to the primary duty of keeping him in safe custody. No doubt, the goaler, in the exercise of his discretion, has a right to employ forcible feeding as a means of securing that his prisoner shall serve his sentence; but this is part of his duty to the Crown, not of his duty to the prisoner. The Home Secretary, as representing the Crown, can waive the performance of this duty towards the Crown. But we cannot see that any duty exists towards the prisoner which compels the gaoler to adopt the alternative of either forcibly feeding him against his will or releasing him.—London Law Journal.

Points in Professional Ethics.—From the New York County Lawyers Association, Committee on Professional Ethics.—Question No. 60. An attorney brings a suit upon a claim entrusted to him by a client. The debtor thereupon makes certain payments, but promptly, and before the collections are turned over to the client, claims that there has been an overpayment and demands a return to him of the payments which he has made. The client being advised of the fact urges his attorney to account to him for the payments, but the attorney instead presses the case for trial and meanwhile retains the money to await its determination. Is his course professionally proper, or should he turn over the money to his client upon his demand, or to the debtor upon his demand?

Answer No. 60. In the opinion of the Committee, the question does not state facts sufficient to enable the Committee to form a judgment on the legal rights involved; nor does the Committee ever assume to answer questions of law. From the standpoint of professional ethics, the Committee (merely from the facts stated) sees nothing improper in the attorney's conduct, assuming that he holds the money in a trust fund in a special account, and does not mingle it with his own funds. Question No. 62. Will the Committee please advise me of its views respecting the professional propriety of the following advertisement inserted in local papers by an attorney at law, who was formerly the local attorney for the corporation mentioned therein: "Having severed all relations between myself and the ..... Company, I am now in position to accept and prosecute all claims against said Company." (Attorney's signature.)

Answer No. 62. In the opinion of the Committee, the advertisement is highly improper. It is a direct invitation to prosecute claims against a former client, with the implied suggestion that the new clients will derive some advantage from the former confidential relation.

Code Amendments, Session of General Assembly, 1914.—Amending section 86 as to purging registration books, 430.

Amending section 164 in relation to who may hold office, etc., 12. Rolls, 3.

Amending section 207 in relation to the duties of the Keeper of the

Amending section 246 in relation to publishing reports of Supreme Court, 506.

Amending sections 270 and 275 in relation to duties of supt. of public printing, 296.

Amending section 276 in relation to superintendent of public printing, 423.

Amending section 461 as to lists to be sent auditor by clerks, 480.

Amending section 508 as to omitted taxes, 486.

Amending section 567 in relation to redress against erroneous assessment of taxes, 78.

Amending section 571 in relation to redress against erroneous assessment of levies, 78.

Amending section 608 in relation to lists of property, etc., delinquent for taxes, 481.

Amending section 753 in relation to State depositories, 568.

Amending section 804 in relation to changing name of magisterial districts, 15.

Amending section 814 as to bonds of county treasurers, 667.

Amending section 815 in relation to bonds of city treasurers, 52.

Amending section 833 in relation to powers and duties of supervisors, 721.

Amending section 834 in relation to powers and duties of supervisors, 538.

Amending section 834g in relation to tax on dogs, 27.

Amending section 848 in relation to compensation of supervisors, 368.

Amending section 1041a in relation to assessments in cities and towns, 17.

Amending section 1420 in reference to gifts for educational purposes, 414.

Amending section 1488 in relation to condemnation of land for schoolhouses, 270.

Amending section 1506 as to what school fund to consist of, 474.

Amending section 1507 in relation to apportionment of school fund, 80.

Amending section 1526 in relation to powers of school boards, 498.

Amending section 1600 in relation to bond of treasurer of V. P. I., 500.

Amending section 1682 in relation to insane persons charged with crime, 542.

Amending section 1743f for transportation of dead bodies, 702.

Amending section 2070a in relation to hunting deer, 206.

Amending section 2086 in relation to unlawful fishing, 478.

Amending section 2547 as to title to bona fide purchaser of real estate, 511.

Amending section 2638 in relation to oath of executor or administrator, 30.

Amending section 2640 in relation to bond of executor and administrator, 30.

Amending section 2942 in relation to trials by justices of the peace, 44.

Amending sections 3057 and 3059 in relation to circuit courts and terms, 544.

Amending sub-section i of section 3059 in relation to terms of circuit courts, 15.

Amending sub-section e, t and z of section 3059 in relation to terms of circuit courts, 137.

Amending section 3191 relating to license to practice law, 96.

Amending section 3211 in relation to remedy by motion for orts, 28.

Amending section 3385 as to bill of exceptions, 419.

Amending section 3470 relating to bonds of appellants, etc., 713.

Amending section 3505 in relation to clerks' fees, 691.

Amending section 3525 in relation to fees of sheriffs and sergeants, 484.

Amending section 3530 as to fees of justices, 493.

Amending section 3531 in relation to fees of certain officers, 571.

Amending section 3533 in relation to fees in criminal cases, 572.

Amending section 3535 in relation to fees of officers, 483.

Amending section 3663 as to murder in first degree, 419.

Amending section 3729 as to injury to property, etc., 498.

Amending section 3798 in relation to profane swearing and drunkenness, 29.

Amending section 4025 in relation to when jury kept together, etc., 485

Amending section 4049 as to compensation and mileage of jurors, 485.

Providing for revision of, 300.

Revisers of Code.—The following names have been certified to the Governor in an order entered by the Supreme Court at Wytheville from which will be selected the three revisers of the code:

Samuel A. Anderson, Richmond.

Martin P. Burks, Lexington.

E. P. Buford, Lawrenceville.

Thomas W. Harrison, Winchester.

Robert M. Hughes, Norfolk.

F. B. Hutton, Abingdon.

Thomas R. Keith, Fairfax.

W. W. Lile, University of Virginia.

John B. Minor, Richmond.

Raleigh C. Minor, University of Virginia.